

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THEODORE SHOVE, G11092,

Petitioner,

v.

STATE OF CALIFORNIA, et al.,

Respondent(s).

Case No. [23-cv-00552-CRB](#) (PR)**ORDER OF TRANSFER**

Petitioner, a California state prisoner on death row at San Quentin State Prison (SQSP) pursuant to a 2008 judgement from Los Angeles County Superior Court, filed a pro se petition for a writ of habeas corpus in the United States District Court for the District of Columbia challenging his state conviction and sentence. The District of Columbia transferred the case to this court pursuant to 28 U.S.C. § 2241(d) because petitioner is confined at SQSP in Marin County, which lies within the venue of the Northern District of California, id. § 84(a).

Venue is proper in a habeas action in either the district of confinement or the district of conviction, id. § 2241(d); however, petitions challenging a conviction and/or sentence (rather than the execution of a sentence) preferably are heard in the district of conviction. See Habeas L.R. 2254-3(a); Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Because petitioner seeks review of a conviction and sentence from Los Angeles County Superior Court, which lies within the venue of the Central District of California, Western Division, 28 U.S.C. § 84(c)(2), the court ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, the petition be TRANSFERRED to the United States District Court for the Central District of California, Western Division.

The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

Dated: February 9, 2023



CHARLES R. BREYER
United States District Judge